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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/554,206

12/13/2005

Daijiro Kurosaka

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25944 7590 05/21/2010

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ALEXANDRIA, VA 22320-4850

EXAMINER

MATTHEWS, WILLIAM H

ART UNIT

PAPER NUMBER

3774

NOTIFICATION DATE

DELIVERY MODE

05/21/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com

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<b>Office Action Summary</b>	<b>Application No.</b> 10/554,206	<b>Applicant(s)</b> KUROSAKA ET AL.	
	<b>Examiner</b> William H. Matthews (Howie)	<b>Art Unit</b> 3774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-17, 19-24, 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-17, 19-24, 33 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 5-6-10 have been fully considered but they are not persuasive. Applicant argues the anterior surface of the lens at the boundary in Paul includes a step. Examiner disagrees. Initially, it appears Applicant considers the term "boundary" to be limited to a planar section where the optic and haptic meet. The examiner interprets the "boundary" to be the peripheral region of the optic since it must be between the support portion (haptic) and optic portion (central optic region). The peripheral region may be characterized as the bottom region of Figure 19 extending up to where "268" points toward. There is a "step" on only one side. Even further, should the claims be later limited to a smooth anterior surface extending from one side to another side of a haptic-optic junction, Paul explicitly disclose the haptics may be positioned in any conventional manner (see col. 5:57-67 and col. 14:29-36). The use of haptics positioned in a smooth manner with the anterior surface is well known in the art, as shown in Laguette US PUB 20020161434.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-17,19-24, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paul et al. USPN 6468306 in view of JP 09-276303 ("Hoya", with reference to translation as provided in IDS).

Paul et al. disclose multiple edge configurations for intraocular lens in figures 4-20. Example dimensions are given in Tables I and II at column 8. The lens and haptics may be integrally molded into a single piece (col. 14 lines 10-21) and may be formed from hard PMMA or soft acrylics (col. 5 lines 41-67). The edges shown provide stepped faces as broadly claimed comprising a sudden shift, wall face nearly parallel to the optical axis, a step height of 0.05 mm or more (see Figure 4 and t1 in Tables I-II), a surface which is substantially orthogonal to the optical axis, a posterior portion near the edge part rising toward the edge part in a posterior direction, and portions having acute and obtuse angled or curved portions. Figure 19 show a concavo-convex face into which the stepped face is formed which also meets claim 33.

With further respect to claim 15 ("no step on the anterior surface of the lens in the boundary"), the step in Paul is not due to the axial arrangement of the haptic-optic junction. The steps are present on a single face of the optic (see Figure 19, for example) and the claimed boundary is not limited to a single plane between the haptic and optic. Furthermore, the outer periphery (a bottom section of Figure 19 which would essentially include an annular ring) is readable on the claimed "boundary" which includes a step only on one side.

Paul is silent at to the haptics being formed of harder PMMA and the lens formed of softer acrylics. Hoya teach intraocular lens forming techniques wherein PMMA

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haptics and acrylic lenses may be integrally formed in order to securely mold a lens having multiple mechanical properties. See paragraphs 22, 29, and figure 1. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include PMMA haptics and acrylic lens to the lens disclosed in Paul et al. since such a combination is well known in the art as taught by Hoya in order to provide multiple mechanical properties to a unitary lens.

Regarding claim 34, Paul et al. is silent as to the exact steps taken to manufacture the lens but does describe at column 14 lines 10-21 that known techniques of molding and cutting may be used to form the shaped lenses. Hoya teach molding processes. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include the steps of molding, cutting, and grooving as such steps would be obvious, if not inherent, in view of the teachings of Paul et al. and Hoya since molding and cutting are well known manufacturing techniques.

### ***Response to Arguments***

Applicant's arguments with respect to claims 15-17, 19-24, and 33-34 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues the cited art fail to disclose steps "formed all around an edge part located in a region of the optic portion" (Remarks, page 7, second through third paragraphs), but this feature is not presently required by the claims.

***Conclusion***

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Matthews (Howie) whose telephone number is 571-272-4753. The examiner can normally be reached on Monday-Friday 10-6:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Isabella can be reached on 571-272-4749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William H. Matthews/  
Primary Examiner  
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